



# CITY COUNCIL MEETING MINUTES

## Richfield, Minnesota

### Regular Meeting

**November 9, 2010**

#### CALL TO ORDER

The meeting was called to order by Mayor Goettel at 7:01 p.m.

#### ROLL CALL

*Members Present:* Debbie Goettel, Mayor; Sue Sandahl; Pat Elliott; Fred Wroge; and Tom Fitzhenry.

*Staff Present:* Steven L. Devich, City Manager; Mike Eastling, Public Works Director; Pam Dmytrenko, Assistant to the City Manager; Chris Regis, Finance Manager; Jim Topitzhofer, Recreation Services Director; John Stark, Community Development Director; Corrine Heine, City Attorney; and Cheryl Krumholz, Recording Secretary.

#### OPEN FORUM

Ann Sewich, 6334 Aldrich, expressed concern regarding the deterioration of the Lyndale Garden Center site, especially the condition of the fence.

#### PRESENTATION OF COLORS AND PLEDGE OF ALLEGIANCE

Mayor Goettel led the audience in the Pledge of Allegiance.

#### APPROVAL OF MINUTES

M/Wroge, S/Sandahl to approve the minutes of Regular City Council Meeting of October 26, 2010.

Motion carried 5-0.

<b>Item #1</b>	<b>PRESENTATIONS</b> <ul style="list-style-type: none"> <li>• <b>ANNUAL MEETING WITH COMMUNITY SERVICES COMMISSION</b></li> </ul>
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Gerald Charnitz, Chair, reported on the Community Services Commission accomplishments and goals.

<b>Item #2</b>	<b>COUNCIL DISCUSSION</b> <ul style="list-style-type: none"> <li>• <b>HATS OFF TO HOMETOWN HITS</b></li> <li>• <b>CANCEL TUESDAY, DECEMBER 28, 2010 REGULAR CITY COUNCIL MEETING</b></li> <li>• <b>SCHEDULE CITY COUNCIL/CITY STAFF ANNUAL GOALSETTING SESSION (COUNCIL MEMO NO. 172)</b></li> <li>• <b>SCHEDULE ADVISORY COMMISSION INTERVIEWS (COUNCIL MEMO NO. 172)</b></li> </ul>
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Council Member Fitzhenry reported on a Yellow Ribbon Rally, regarding a community program to work together to meet the needs of service members and military families. He encouraged Richfield to start this program.

Council Member Fitzhenry encouraged City staff to bring new ideas and innovations to the City Council for consideration.

Council Member Sandahl announced the Bike Task Force meeting on November 10 at the Maintenance Facility.

Council Member Sandahl announced a public open house on November 17 at the Mount Calvary School gym to gather input on the proposed Richfield Parkway North Connection.

Council Member Sandahl announced Davanni's move to Penn Avenue.

Mayor Goettel announced the November 20 Music at Gramercy event and the December 8 Holiday Bazaar.

Mayor Goettel reported on the recent Designing for Wellness Conference.

Mayor Goettel announced the Crosstown reopening ribbon cutting on November 13 at Pearl Park in Minneapolis.

Council Member Wroge expressed concerns regarding the lack of maintenance and safety issues at the Lyndale Garden Center Site. The City needs to be proactive and hold the owner accountable. If no developers come forward soon, the City and/or HRA may need to become involved.

Mayor Goettel stated condemning the property may be an option.

City Manager Devich explained staff's aggressive approach to address issues at this site.

Mayor Goettel expressed concern regarding traffic issues for Richfield residents due to the CVS drive-thru pharmacy in Edina at 69<sup>th</sup> Street and York Avenue.

Public Works Director Eastling explained the right out onto 69<sup>th</sup> Street is only for pharmacy drive-thru because of the median.

Mayor Goettel suggested the Transportation Commission consider traffic calming options on 69<sup>th</sup> Street.

Community Development Director Stark stated CVS has made application for planning purposes at the corner of 66<sup>th</sup> Street and Penn Avenue. If the proposed project goes through the process, it is likely CVS will be constructed.

M/Goettel, S/Wroge to cancel the Tuesday, December 28 Regular City Council Meeting.

Motion carried 5-0.

The City Council consensus was to schedule the annual goalsetting on Friday, January 7 and advisory commission interviews on Saturday, January 8.

<b>Item #3</b>	<b>COUNCIL APPROVAL OF AGENDA</b>
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M/Wroge, S/Sandahl to approve the agenda.

Motion carried 5-0.

<b>Item #4</b>	<b>CONSENT CALENDAR</b>
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- A. Consideration of approval of resolution determining results of City General Election on Tuesday, November 2, 2010 S.R. No. 197

RESOLUTION NO. 10436

RESOLUTION DETERMINING RESULTS OF THE GENERAL ELECTION OF THE CITY OF RICHFIELD HELD ON TUESDAY, NOVEMBER 2, 2010

This resolution appears as Resolution No. 10436.

- B. Consideration of approval of resolution amending and restating I-35W Solutions Alliance Joint Powers Agreement S.R. No. 198

RESOLUTION NO. 10437

RESOLUTION TO AMEND AND RESTATE JOINT POWERS AGREEMENT OF THE I-35W SOLUTIONS ALLIANCE

This resolution appears as Resolution No. 10437.

- C. Consideration of approval of scheduling public hearing on December 14, 2010 for renewal of 2011 pawnbroker and secondhand goods dealer licenses for Metro Pawn and Gun, Inc. and University Cash Company, LLC, d/b/a Avi's Pawn and Jewelry S.R. No. 199

- D. Consideration of approval of scheduling public hearing on December 14, 2010 for renewal of 2011 on-sale wine and on-sale 3.2 percent malt liquor licenses for Red Pepper Chinese Restaurant, Thompson's Fireside Pizza, Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill; Patrick's Bakery & Café; Lariat Lanes; The Noodle Shop-Colorado, Inc. d/b/a Noodles and Company and Joy's Pattaya Thai Restaurant S.R. No. 200
- E. Consideration of approval of scheduling public hearing on December 14, 2010 for renewal of 2011 on-sale intoxicating and Sunday liquor licenses for Khan's Mongolian Barbeque; Champps Operating Corporation d/b/a Champp's Restaurant; Minneapolis-Richfield American Legion Post 435; Fred Babcock VFW Post No. 5555 d/b/a Four Nickels Food and Drink; Don Pablo's Operating Corporation d/b/a Don Pablo's; Wiltshire Restaurants, LLC d/b/a Houlihan's Restaurant & Bar; The Frenchmans; El Tejaban Mes. Grill; and Jun Bo Chinese Restaurant S.R. No. 201
- F. Consideration of approval of request for renewal of currency exchange licenses for New Unbank Company, LLC; 6421 Penn Avenue; and Los Gallos 12, Inc., 6539-B 14th Avenue S.R. No. 202
- G. Consideration of approval of agreement with Bigos-Richfield Towers, LLC for maintenance of sump manhole at 7717 Chicago Avenue S.R. No. 203
- H. Consideration of approval of renewal of contract between City of Richfield and Chief's Towing, Inc., 8610 Harriet Avenue, for Public Safety towing services for December 1, 2010 through November 30, 2011 S.R. No. 204

M/Goettel, S/Sandahl to approve the Consent Calendar.

Motion carried 5-0.

M/Wroge, S/Sandahl to amend the agenda to include conducting a City Council closed Executive session at the end of tonight's Regular City Council meeting to discuss the proposed Jun Bo settlement regarding alleged liquor dispensing violations.

Motion carried 5-0.

<b>Item #5</b>	<b>CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR</b>
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None.

<b>Item #6</b>	<b>PUBLIC HEARING REGARDING RESOLUTION GIVING APPROVAL TO FINANCING OF PROJECT UNDERTAKEN BY ACADEMY OF HOLY ANGELS PURSUANT TO MN STATUTES SECTIONS 469.152 THROUGH 469.165 AND AUTHORIZING SUBMISSION OF APPLICATION TO MN DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT AND PREPARATION OF NECESSARY DOCUMENTS (STAFF REPORT NO. 205)</b>
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M/Goettel, S/Wroge to close the public hearing.

Motion carried 5-0.

Joe Uhrich, Academy of Holy Angels, stated no additional improvements are scheduled at this time.

Council Member Wroge stated he would abstain from voting on this item because he works for the Academy of Holy Angels.

M/Goettel, S/Sandahl that the following resolution be adopted and that it be made part of these minutes:

**RESOLUTION NO. 10438**

**RESOLUTION GIVING PRELIMINARY APPROVAL TO THE FINANCING OF A PROJECT UNDERTAKEN BY ACADEMY OF HOLY ANGELS PURSUANT TO MINNESOTA STATUTES, SECTIONS 469.152 THROUGH 469.165, AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT AND THE PREPARATION OF NECESSARY DOCUMENTS**

Motion carried 4-0. (Wroge abstained.) This resolution appears as Resolution No. 10438.

<b>Item #7</b>	<b>PUBLIC HEARING REGARDING RESOLUTION ADOPTING CHANGE IN PLAN FOR EXPENDITURE OF RESIDUAL ASSETS OF POLICE AND FIRE CONSOLIDATED PENSION PLANS (STAFF REPORT NO. 206)</b>
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Council Member Wroge presented Staff Report No. 206.

M/Wroge, S/Goettel to close the public hearing.

Motion carried 5-0.

Council Member Wroge suggested using the remaining funds to close the account because previous City Council direction was to use these funds for the municipal center to keep costs down for residents and businesses.

City Manager Devich stated use of the funds is a policy decision and could be considered at a later date.

Finance Manager Regis explained for the past several years the interest has been used for Police and Fire expenditures.

Council Member Wroge asked about a maintenance fund for the new building.

City Manager Devich explained those funds are in the government buildings budget.

Council Member Sandahl suggested considering use of the funds if necessary and also getting feedback from Police and Fire.

Mayor Goettel expressed concern regarding the next budget cycle.

Council Member Elliott suggested leaving the reserves.

City Attorney Heine explained the purpose of the resolution is not allocating \$7.6 million but only revises the plan authorizing the City to use the Police and Fire pension residuals in such amounts needed for construction. At a future City Council meeting, a resolution will authorize the principal expenditure.

M/Goettel, S/Sandahl that the following resolution be adopted and that it be made part of these minutes and prepare a resolution for City Council consideration regarding expenditures of the \$7,621,000 in principal and that it be made part of these minutes:

**RESOLUTION NO. 10439**

**RESOLUTION AUTHORIZING CHANGE IN PLAN FOR RICHFIELD ASSET AMOUNT FROM POLICE AND FIRE CONSOLIDATION FUND**

Motion carried 5-0. This resolution appears as Resolution No. 10439.

<p><b>Item #8</b></p>	<p><b>CONSIDERATION OF FIRST READING OF ORDINANCE AMENDING RICHFIELD CITY CODE APPENDIX 1 REZONING CERTAIN PROPERTIES THROUGHOUT CITY IN ORDER TO CONFORM WITH RICHFIELD COMPREHENSIVE PLAN (STAFF REPORT NO. 207)</b></p>
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Council Member Wroge presented Staff Report No. 207.

Council Member Elliott suggested the City Council consider exceptions to the rezoning of 7421 Lyndale Avenue and 6800 Penn Avenue because it could restrict the ability and highest use of the properties.

Community Development Director Stark stated there are 321 proposed separate rezonings and only two properties have been contentious. He credited City Planner Melissa Poehliman's efforts with shepherding this project.

Community Development Director Stark explained the 6800 Penn Avenue block as a whole is considered but practically there could be an exception. The proposed rezoning and comprehensive plan of 7421 Lyndale are consistent with what's in place now and having an island could cause a problem with spot zoning.

Tom Price, 7421 Lyndale Avenue, owner of Woodlawn Homes Park, expressed concerns and objections regarding rezoning and requested removal of the parcel because of impacts on future development options.

Community Development Director Stark suggested deferring rezoning until the Lyndale Gateway Redevelopment Plan is reviewed or a development proposal is presented.

Mark Balkowitsch, owner of 7401 Lyndale Avenue, requested the rezoning on this property be unchanged until other developments are presented.

M/Elliott, S/Sandahl to approve first reading of the ordinance and include 6800 Penn Avenue as an exception and 7401 and 7421 Lyndale Avenue as exceptions due to being part of the Lyndale Gateway Redevelopment.

Motion carried 5-0.

Item #9	<b>CONSIDERATION OF RESOLUTION AUTHORIZING DEFEASANCE, PREPAYMENT AND REDEMPTION OF \$1,045,000 GENERAL OBLIGATION TAX INCREMENT BONDS, SERIES 2002C BONDS, DATED DECEMBER 5, 2002 (STAFF REPORT NO. 208)</b>
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Mayor Goettel presented Staff Report No. 208.

M/Goettel, S/Wroge that the following resolution be adopted and that it be made part of these minutes:

**RESOLUTION NO. 10440**

**RESOLUTION PROVIDING FOR THE DEFEASANCE,  
PREPAYMENT AND REDEMPTION OF CERTAIN OUTSTANDING  
GENERAL OBLIGATION BONDS OF THE CITY AND AUTHORIZING  
EXECUTION OF AN ESCROW AGREEMENT**

Council Member Wroge suggested using the funds for more upscale homes, not low to moderate income housing.

City Manager Devich responded that is a future decision and the resolution considered tonight authorizes the defeasance.

Community Development Director Stark explained the changes in the Richfield Rediscovered Program. Changes made by the HRA, the Richfield Development Fund and the current land buying and banking. The City Council decision to use the funds could defray costs of Richfield Parkway construction.

Motion carried 5-0. This resolution appears as Resolution No. 10440.

Item #10	<b>CONSIDERATION OF RESOLUTION AUTHORIZING REFUNDING OF \$8,350,000 GENERAL OBLIGATION TAX INCREMENT BONDS, SERIES 2001A, DATED APRIL 1, 2001 WITH \$6,465,000 GENERAL OBLIGATION TAX INCREMENT REFUNDING BONDS, SERIES 2010B (STAFF REPORT NO. 209)</b>
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Mayor Goettel presented Staff Report No. 209.

M/Goettel, S/Wroge that the following resolution be adopted and that it be made part of these minutes:

**RESOLUTION NO. 10441**

**RESOLUTION PROVIDING FOR THE SALE OF  
\$6,465,000 GENERAL OBLIGATION TAX INCREMENT  
REFUNDING BONDS, SERIES 2010B**

City Manager Devich commended Best Buy for their generosity in basically giving \$78,000 to the HRA Development Fund.

Council Member Wroge questioned paying off the Penn Avenue bridge earlier with a new bond.

Rebecca Kurtz, Ehlers and Associates, explained that could be one option but the pay-as-go note may not shorten the bond.

Motion carried 5-0. This resolution appears as Resolution No. 10441.

<b>Item #11</b>	<b>CONSIDERATION OF WORK PROPOSAL PRESENTED BY WSB &amp; ASSOCIATES FOR PRELIMINARY ENGINEERING FOR RICHFIELD PARKWAY NORTH CONNECTION TO BLOOMINGTON AVENUE AT COST NOT TO EXCEED \$35,000 (STAFF REPORT NO. 210)</b>
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Mayor Goettel presented Staff Report No. 209.

Public Works Director Eastling discussed the Richfield Parkway alignment corridors and water quality improvement project.

M/Fitzhenry, S/Sandahl to approve the proposal presented by WSB & Associates for preliminary engineering for Richfield Parkway North Connection to Bloomington Avenue at cost not to exceed \$35,000.

Council Member Wroge expressed concern regarding commercial vehicle use of Richfield Parkway at Cedar Point and suggested it be reconsidered as part of the project.

Motion carried 5-0.

<b>Item #12</b>	<b>CONSIDERATION OF MAYOR'S APPOINTMENT OF HOUSING AND REDEVELOPMENT AUTHORITY COMMISSIONER FOR FIVE-YEAR TERM COMMENCING NOVEMBER 9, 2010 AND EXPIRING OCTOBER 31, 2015 (STAFF REPORT NO. 211)</b>
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Mayor Goettel presented Staff Report No. 211.

Mayor Goettel stated that due to previous City Council discussions to have more City Council representation on the HRA, she requested she be appointed to the HRA.

M/Wroge, S/Elliott to approve the appointment of Debbie Goettel to the HRA for a five year term commencing November 9, 2010 and expiring October 31, 2015 or until such later date as a successor is appointed and qualified.

Motion carried 5-0.

<b>Item #13</b>	<b>CITY MANAGER'S REPORT</b>
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Assistant to the City Manager Dmytrenko provided a Municipal Center construction update.

<b>Item #14</b>	<b>CLAIMS AND PAYROLLS</b>
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M/Wroge, S/Sandahl that the following claims and payrolls be approved:

**U.S. BANK 11/9/2010**

A/P Checks: 198802-199148	\$ 1,885,970.51
Payroll: 70586-70912	\$ 514,719.28
<b>TOTAL</b>	<b>\$ 2,400,689.79</b>

Motion carried 5-0.

<b>OPEN FORUM</b>
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None.

<b>CLOSED EXECUTIVE SESSION</b>
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City Attorney Heine stated the City Council will be going into Closed Executive Session to discuss the administrative proceedings pending in the alleged liquor dispensing violations at Jun Bo Restaurant and the proposed settlement..

By unanimous consent the City Council left the Council Chambers at 9:05 p.m. to conduct a Closed Executive Session in the Executive Conference Room.

The Closed Executive Session was called to order by Mayor Goettel in the Executive Conference Room at 9:08 p.m.

*Members Present:* Debbie Goettel, Mayor; Sue Sandahl; Pat Elliott; Fred Wroge; and Tom Fitzhenry.

*Staff Present:* Steven L. Devich, City Manager; Corrine Heine, City Attorney; and Cheryl Krumholz, Recording Secretary.

The Closed Executive Session was convened pursuant to M.S. 13D.05


The Closed Executive Session was adjourned by unanimous consent at 9:25 p.m. in the Executive Conference Room.

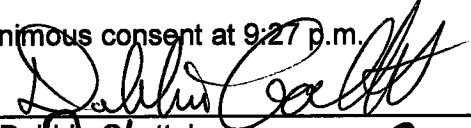
The Open Session was called to order by Mayor Goettel at 9:26 p.m. in the Council Chambers.

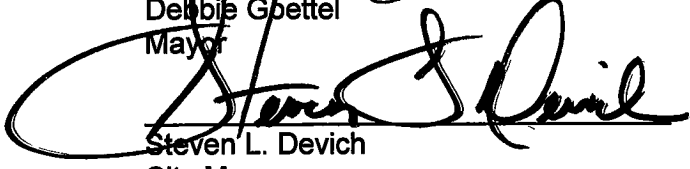
**ADJOURNMENT**

The City Council meeting was adjourned by unanimous consent at 9:27 p.m.

Date Approved: November 23, 2010

  
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Cheryl Krumholz  
Recording Secretary

  
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Debbie Goettel  
Mayor

  
\_\_\_\_\_  
Steven L. Devich  
City Manager